

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Michael Slager,)	Civil Action Number: 2:15-CV-04536-DCN
)	
)	
Plaintiff,)	
)	
v.)	PLAINTIFF'S MOTION FOR
)	SUMMARY JUDGMENT
Southern States Police Benevolent)	
Association, Inc.,)	
)	
Defendant.)	
_____)	

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiff seeks an order granting summary judgment in his favor for the following reasons:

1. As a matter of law, the Plaintiff is entitled to a declaration from this Court that the Defendant's Legal Defense Benefit plan is a policy of insurance under South Carolina law. As such, the rules governing the sale of policies of insurance in the State of South Carolina, as well as the rules governing the construction, interpretation and application of policies of insurance in the State of South Carolina apply and govern this controversy.

2. Although not licensed to do so, the Defendant sold Michael Slager a policy of insurance in the State of South Carolina which promised him a legal defense with "no cap" and "no limit" in the event that he was involved in an officer related shooting. The Plaintiff was involved in an officer related shooting when he shot Walter Scott on April 4, 2015. The Plaintiff has been charged with murder in connection with the death of Walter Scott and awaits trial. Despite the fact that pursuant to the United States Constitution Michael Slager is innocent of all charges until proven guilty, the Defendant terminated Michael Slager's coverage on April 8, 2015. As a matter of law, the Defendant's conduct in terminating Slager's unlimited coverage

just four days after the shooting death of Walter Scott represents a breach of its contract of insurance, bad faith and unfair claims practices.

For each of these reasons, the Court should grant Plaintiff's motion for summary judgment. This motion is supported by a memorandum of law with exhibits, the record in this case, and applicable law.

BLAND RICHTER, LLP
Attorneys for Plaintiff

s/Ronald L. Richter, Jr.

Ronald L. Richter, Jr. (Federal Bar No. 66377)

s/Scott M. Mongillo

Scott M. Mongillo (Federal Bar No. 7436)

Peoples Building

18 Broad Street, Mezzanine

Charleston, South Carolina 29401

843.573.9900 (telephone)

843.573.0200 (facsimile)

ronnie@blandrichter.com (e-mail)

scott@blandrichter.com (e-mail)

s/Eric S. Bland

Eric S. Bland (Federal Bar No. 64132)

1500 Calhoun Street

Post Office Box 72

Columbia, South Carolina 29202

803.256.9664 (telephone)

803.256.3056 (facsimile)

ericbland@blandrichter.com (e-mail)

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